

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

BASF CORPORATION,

Plaintiff,

v.

JOHN HARRIS BODY SHOPS, LLC a/k/a
and/or d/b/a JOHN HARRIS BODY SHOP,
LLC,

Defendant.

Civil Action No. 3:22-589-JFA

**WITHDRAWAL OF APPLICATION
FOR RULE TO SHOW CAUSE**

On November 23, 2022, Defendant in the above-captioned action filed an Application for Rule to Show Cause (E.N. 20) as to why third party The Boyd Group (U.S.) Inc. d/b/a Gerber Collision and Glass (“Boyd Group”) should not be held in contempt pursuant to Rule 45(g), FRCP for failing to respond to a subpoena issued on or about October 1, 2022. Following the service of the Application on Boyd Group’s counsel, Jesse Schaefer, Esquire, the undersigned spoke with Mr. Schaefer and learned that his father had been hospitalized on November 5th and had passed away on November 19, 2022. As a result of his father’s hospitalization and recent death, Mr. Schaefer was justifiably unable to communicate with the undersigned or provide Boyd Group’s timely response to Defendant’s subpoena.

In light of the above, Defendant requests that the Application for Rule to Show Cause served on Boyd Group be withdrawn and that Boyd Group be allowed additional time to respond to Defendant’s subpoena within the timeframe requested in the parties’ Joint Motion to Extend the Discovery Deadline and proposed Second Amended Scheduling Order to be submitted to the Court.

ADAMS AND REESE LLP

s/ Kirby D. Shealy III

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Luke M. Allen (Fed. I.D. No. 2950)

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Attorneys for Defendant

John Harris Body Shops LLC

December 1, 2022.